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m/003/031

FACSIMILE COVER SHEET

DATE: October 29, 1997

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 5

TO: Bill Bawn
Utah Building Stone
842 W 400 N
West Bountiful Utah 84087

FAX NUMBER: 295-0601

FROM: Van Nozmin, AAG

Minerals Reclamation and Development Program

PHONE: (801) 538-5291

FAX: (801) 359-3940

* 2ND revised stipulation

SUBJECT: Joint Motion and Stipulation to Second Amendment of Findings of Fact and Order

REMARKS: Bill you need to sign this and fax back to us today!
Bill, Heard you are out of town today. Please ignore 1st fax. This fax has the revised all day time course based upon Paul

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| * TRANSACTION REPORT * | | | | | | | | | |
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BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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|---------------------------------|---|-----------------------------|
| IN THE MATTER OF THE | : | JOINT MOTION AND |
| PETITION FILED BY THE | : | STIPULATION TO SECOND |
| DIVISION OF OIL, GAS AND MINING | : | AMENDMENT OF THE FINDINGS |
| FOR AN ORDER REQUIRING | : | OF FACT, CONCLUSIONS OF LAW |
| IMMEDIATE RECLAMATION OF THE | : | AND ORDER |
| GROUSE CREEK QUARRY FROM | : | |
| UTAH BUILDING STONE SUPPLY, | : | DOCKET NO. 97-016 |
| BOX ELDER COUNTY, UTAH. | : | CAUSE NO. M/003/031 |

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In the above-captioned matter, the Board of Oil, Gas & Mining (the "Board") entered that certain "FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER TO RECLAIM OR TO POST AN INTERIM SURETY" ("Board Order") on September 26, 1997. On October 14, 1997, The Division received a request for an extension of the time period for compliance by William and Preston Bown ("the Bowns") with the Board Order. The Division ("the Division") found the reason for this request, the death of an immediate family member, compelling and supported the Bowns' request. On October 15, 1997, the Board granted this amendment to the Board Order ("First Amendment"). The Division has since received a request for an extension of time from the Bowns. The Division has verified that the Bowns are close to finalizing an agreement with Barnes Banking Co. to post a surety for the Grouse Creek Quarry. Thus, the Division is willing to support the request from the Bowns for an extension of time. William Bown has signed the stipulation in both his individual capacity and as a partner with Preston Bown in Utah Building Stone Supply.

STIPULATION

The DIVISION and the Bowns HEREBY STIPULATE AND AGREE to amend the "FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER TO RECLAIM OR TO POST AN INTERIM SURETY", dated September 26, 1997 and the First Amendment as follows:

1. The time period for compliance is amended as follows: By no later than 4 p.m. in Salt Lake City on Wednesday, November 12, 1997, William Bown and Preston Bown shall, to the satisfaction of the Division, post an interim reclamation surety bond (e.g., cash deposit, certificate of deposit, corporate surety bond) in the exact amount of \$12,500.
2. The parties agree that the September 26, 1997 Board Order is not altered in any way not explicitly expressed in the Stipulation or the First Amendment.
3. For all purposes, a party's signature in a faxed copy of this stipulation shall be deemed the equivalent of a signed original.

AGREED to this ____ day of October, 1997.

DIVISION OF OIL, GAS, AND MINING

by _____
Daniel G. Moquin
Assistant Attorney General
for Division of Oil, Gas and Mining

UTAH BUILDING STONE SUPPLY

by _____
William Bown as
partner with Preston Bown and in his individual capacity

MOTION

The DIVISION and the Bowns request that the Board issue an order consistent with the Stipulation.

ORDER

Having read the JOINT MOTION AND STIPULATION TO SECOND AMENDMENT OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER submitted by the Division of Oil, Gas and Mining ("Division"), and William Bown in the above-referenced matter, for good cause, the Utah Board of Oil, Gas and Mining hereby grants the Motion based on the foregoing Stipulation and adopts the Stipulation as a Board Order.

For all purposes, the Chairman's signature in a faxed copy of this Order shall be deemed the equivalent of a signed original.

SO ORDERED this _____ day of October, 1997.

STATE OF UTAH
BOARD OF OIL, GAS & MINING

Dave D. Lauriski, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing JOINT MOTION AND STIPULATION TO SECOND AMENDMENT OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER for Docket No. 97-016, Cause No. M/003/031 to be mailed by first-class mail, postage prepaid, this ____ day of October, 1997, to the following:

William Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087

Preston Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087

Mike Ford
Bureau of Land Management
Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119

John Blake
School and Institutional
Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

Sent by Hand Delivery to:

Patrick J. O'Hara
Assistant Attorney General
1594 West North Temple, Suite 300
P.O. Box 140855
Salt Lake City, UT 84114-0855

Daniel G. Moquin
Assistant Attorney General
1594 West North Temple, Suite 300
P.O. Box 140855
Salt Lake City, UT 84114-0855

Courtesy Copy to:

Lynn Kunzler, Senior Reclamation Specialist
Division of Oil, Gas & Mining